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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 086,732	03/04/2002	Jui-Yang Lo	MR2723-164	2198

4586 7590 07/16/2003

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EXAMINER

CHAPMAN JR, JOHN E

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,732

Applicant(s)

LO, JUI-YANG

Examiner

John E Chapman

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The abstract of the disclosure is objected to because it is incomprehensible. Also, the use of legal phraseology, such as "means" and "said," should be avoided. Correction is required. See MPEP § 608.01(b).

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms that are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 1, line 6, "the variation" should be --a variation--.

Page 1, line 7, "refers" should be deleted.

Page 1, lines 13-18, the sentence is incomprehensible.

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylinder changeover switch recited in claim 1 must be shown or the feature canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. Claim 1 is objected to because of the following informalities: the indentations should not be capitalized. For example, "A" should be changed to --a-- on page 8, line 6.

Appropriate correction is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is replete with indefinite and functional or operational language. For example, it is not clear what is meant by "a functional switch selection operation device wherein the parameter is to be settled up outside and each reference data is recorded in the memory device" in lines 8-10. It is not clear whether "the settled parameter value" in line 10 is the same as, or different from, the "reference data" in line 9. There is no antecedent basis for "the input signal of the engine rotating speed" in line 11. It would appear the "the set-up signal" in line 19 should be changed to --the setting signal--, as per line 15. It is not clear what is meant by "the functional mode of integrating the memory signal" in lines 19-20. There is no antecedent basis for "the memory signal" and it is not clear why or how it is integrated. There is no antecedent basis for

"the color light source preset in the memory output" in lines 24-25. There is no antecedent basis for "the set-up segment" on page 9, line 2.

Claim 2 is incomprehensible.

Regarding claim 3, there is no antecedent basis for "the interval value of said speed segment" and it is not clear that claim 3 recites any limitation.

Regarding claim 4, it is not clear what colors, if any, are claimed.

Claim 5 is unclear. What does it mean for "the functional mode of said integrating memory signal" to "memorize all default value"?

Claim 6 recites a "functional selection operation panel" as an additional element. It is not clear, however, that the "functional selection operation panel" is additional to the "functional switch selection operation device" recited in claim 1.

It is not clear that claim 7 recites a limitation.

8. In view of the above rejection under 35 U.S.C. 112, second paragraph, it would be purely speculative to apply prior art to the claims. Upon overcoming the rejection under 35 U.S.C. 112, a prior art rejection might be made and, if so, may be made final.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Westberg et al. discloses a tachometer comprising a shift light 20 comprising an LED 22 for indicating the optimum time to shift gears, a switch 37 for enabling the driver to set the engine RPM in connection with the shift light, and an input 88 for selecting the cylinder type. Voto et al discloses a configurable warning system for a vehicular instrument cluster comprising

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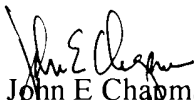
a tachometer wherein a sequence of colors may be selected to indicate warning bands.

Gloudemans discloses an electronic bar graph tachometer 50 comprising a yellow region 54 for indicating engine speed range of 4500-5000 RPM and a red region 56 for 5000-5500 RPM.

Weyer discloses an instrument panel comprising a tachometer 355 and a RGB illumination device 325.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (703) 305-4920. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


John E Chapman
Primary Examiner
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